

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Improving Competitive Broadband Access to Multiple Tenant Environments	)	GN Docket No. 17-142
	)	
Petition for Preemption of Article 52 of the San Francisco Police Code Filed by the Multifamily Broadband Council	)	MB Docket No. 17-91
	)	
	)	

**COMMENTS OF  
GOVERNMENT WIRELESS  
TECHNOLOGY & TELECOMMUNICATIONS ASSOCIATION**

The Government Wireless Technology & Telecommunications Association (“GWTCA”), through counsel and pursuant to Section 1.415 of the Commission’s Rules, 47 C.F.R. §1.415, hereby respectfully submits the following Comments in the above-reference proceeding.

The Government Wireless Technology & Communications Association (“GWTCA”) is a non-profit trade association created to advocate on behalf of government and non-government users of wireless technology and communications in the public service industries, such as public transit. GWTCA’s membership includes government agencies, manufacturers, providers of third-party communications facilities, engineers and consultants working on a variety of issues impacting represented users.<sup>1</sup> GWTCA has created an alliance with the Telecommunications Industry Association (“TIA”) where the two entities are collaborating on TIA’s industry-wide Smart Buildings Program to share knowledge, create documentation and unify an informed market

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<sup>1</sup> [www.gwtca.org](http://www.gwtca.org).

ecosystem for the communications, real estate and smart communities sector.<sup>2</sup> As government agencies, transit operators and third-party communications facilities providers often provide infrastructure or locations for implementation of telecommunications facilities, GWTCa has a significant interest in this proceeding.

Deployment of communications facilities within buildings is an essential mission of GWTCa. Such deployments are vital to public safety (both occupant and first responder communications access), and a robust internal communications system enables the establishment of a smart building, which is also critical to the establishment of a smart city. Thus, GWTCa encourages a robust in-building communications industry. Any Commission regulation that discourages investment by building owners or third-party communications facilities builders or managers would have a negative impact on public safety and create “islands” of limited communications in a smart city.

The NPRM does not address or ask questions about the impact of the Commission’s potential further regulation on public safety. GWTCa urges the Commission to carefully consider and seek further comment on the impact of this NPRM on existing and future Public Safety In-Building and Rooftop systems and contracts before taking any action which could impact the industry.

There are several areas of concern for GWTCa in the NPRM. With regard to the imposition of any new rules or requirements, it is important that the Commission separate telecommunications carriers from providers of telecommunications service who are not themselves carriers. Such providers have been a vital part of the growth of in-building communications, often providing the only financially viable alternative for a building owner

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<sup>2</sup> <https://www.tiaonline.org/press-release/tia-and-gwtca-align-to-accelerate-smart-buildings-initiative/>.

seeking to provide in-building communications capability. Such services are necessary most building owners do not have the in-house expertise to design, manage, operate and repair communications infrastructure. The ability to contract for these services, including rooftop installations, should not be impaired.<sup>3</sup>

Building owners must have the ability to continue to contract with third-parties for neutral host DAS and similar systems, without artificial limitations on the marketplace. The reality of the in-building marketplace is that carriers no longer desire to put in their own facilities in medium-to-small size buildings, leaving third-parties as the only option. In some cases, these facilities are required by local fire code, in order to have adequate signal inside the building for public safety. However, should the Commission impose additional requirements on third-party providers in costs, requirements to accommodate carriers at low or no-cost, or to share facilities for which they have paid significant sums to deploy, the DAS market will simply disappear, leaving building owners unable to provide for their tenants and occupants and/or meet building codes, robbing carrier competition and life safety.

The current marketplace for DAS systems is robust, and the Commission should not tamper with it. GWTCAs speak continuously at conferences where DAS providers present on the opportunities for building owners to employ DAS systems, and there are no shortages of takers. These operators take on a tremendous financial risk by constructing systems that will only be financially viable if multiple carriers agree to “ride on them.” As a result, the marketplace works adequately to ensure that costs to carriers are reasonable, commensurate with the costs for installation and reasonable profit margins.

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<sup>3</sup> Indeed, the Commission has repeatedly seen the impact of improper installations of Bi-Directional Amplifiers (BDAs) in buildings, causing interference not only to carriers, but also to 700/800 MHz public safety radio operations.

Further, it is fully within the interests of building owners to ensure that their contracted third-party providers enter agreements with all wireless carriers. Perhaps unlike the cable television marketplace, tenants and occupants of buildings acquire wireless service from a variety of major wireless carriers, even within a single condo, apartment or office. Thus, unlike the cable television marketplace, failure to ensure service within the building for all major carriers is a competitive impediment for any building owner. This is borne out by studies that show that access to communications infrastructure is a prime tenant concern.<sup>4</sup> Thus, any suggestion that building owners or third-party vendors are “freezing-out” carriers from accessing a building are unfounded. In contrast, GWTC is aware of an evolving in-building marketplace, where carriers are less inclined to provide in-building systems for all but the largest venues.<sup>5</sup> While GWTC appreciates that wireless carriers may not have the capital to continue such investments, building owners and third-party providers should not be penalized by artificial regulations that disrupt the marketplace to pick up where carriers have cut back on resources.

Further, the Commission should not forestall the ability of a municipality to address a local issue where a specific marketplace has not functioned properly. In some cases, it may be appropriate for a municipality to impose some limited form of regulation to ensure that a particular location properly develops with an appropriately competitive marketplace. For example, specific projects, meant to spur development in a particular geographic area, may require a differing regulatory regime to ensure the project is successful. Municipalities already have some authority

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<sup>4</sup> <https://cbcommunity.comcast.com/browse-all/details/the-state-of-communications-services-in-commercial-real-estate>;  
[http://magazine.connectedremag.com/publication/?i=548265&article\\_id=3254230&view=articleBrowser&ver=html5#%22issue\\_id%22:548265,%22view%22:%22articleBrowser%22,%22article\\_id%22:%223254230%22](http://magazine.connectedremag.com/publication/?i=548265&article_id=3254230&view=articleBrowser&ver=html5#%22issue_id%22:548265,%22view%22:%22articleBrowser%22,%22article_id%22:%223254230%22);  
<https://www.aglmediagroup.com/enhancing-property-values-through-in-building-wireless-connectivity/>.

<sup>5</sup> <https://alliancecorporation.ca/news/in-building-wireless-investment-is-shifting-from-carriers-to-enterprises-and-building-owners/>.

in this area through the adoption of fire codes. Additional review may be necessary as smart buildings and smart cities develop. At a minimum, the Commission should allow local regulation, provided it is appropriate and not anti-competitive, as it does today.

In conclusion, it is the position of GWTCA that the current in-building marketplace, at least with regard to wireless services, is competitive and developing appropriately in consideration of technological, business and regulatory realities. The Commission should continue its “light” approach to regulation in this area.

WEREFORE, the premises considered, it is hereby requested that the Commission act in accordance with the views expressed herein.

**GOVERNMENT WIRELESS TECHNOLOGY  
& COMMUNICATIONS ASSOCIATION**

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